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General Defends His Wariness of Press

Westmoreland Says Vietnam Troops Never Thought They Got 'Fair Shake'

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NEW YORK, Nov. 16—Retired Army general William C. Westmoreland, in an impassioned airing of his 17-year battle with the media, today said the military would have been "dumb oxes" not to be constantly concerned about press coverage of the war he commanded in Vietnam.

The 70-year-old general, on the stand for the second day in his \$120 million libel action against CBS Inc., said that as word of what had been reported in the U.S. media reached his troops, it damaged their morale as they fought in what became the nation's most controversial war in this century.

"My troops did a wonderful job," he said in their defense, his voice gathering emotion. "A commander could have expected no more than they gave . . .

"They never thought—and I got this everywhere I went—that they were getting a fair shake from the media," he said.

"Sure, we were sensitive to press reaction," he boomed a few moments later in the hushed and transfixed federal courtroom. "We had to be dumb oxes if we weren't."

Westmoreland is trying to prove in this historic libel case that CBS was wrong when it accused him in a 1982 documentary of being part of a "conspiracy" to suppress higher enemy troop figures in 1967 in order to maintain support for the war.

Today's dramatic outburst, the highlight in the first six weeks of the trial, came after Westmoreland was asked about a cable from his deputy, the late general Creighton

W. Abrams, to the chairman of the Joint Chiefs of Staff on Aug. 20, 1967, that warned against higher

troop estimates getting to a press corps that could draw "erroneous and gloomy conclusions."

Abrams, who was temporarily replacing Westmoreland that day while the latter was in the Philippines visiting his wife, also said in the cable that increased enemy troop data would reinforce "all those who have an incorrect view of the war, and the task will become more difficult."

Abrams' cable, which Mike Wallace, narrator of the documentary, attributed to Westmoreland, was used to help build the CBS case that Westmoreland imposed a ceiling of 300,000 on enemy troops in the 1967 official Order of Battle.

Asked whether he agreed with Abrams' assessment, Westmore-

land began by saying: "May I elaborate a bit?" Given the nod by his lawyer, Dan M. Burt, he turned to the jury and began what at first sounded like a brief lecture on Vietnam, a war he called "unique in many respects."

"This was the first war without censorship," he said. "It was the first war ever fought that was covered by television, and this was a unique experience for those of us on the battlefield, and it was a unique experience to the media."

With as many as 500 reporters accredited to his Military Assistance Command, Vietnam (MACV) headquarters, he said he spent an "inordinate amount of time" talking to officials in Washington about press reports on the war.

Thus, he said that an internal MACV study suggesting that he add 100,000 of what he called "home guard . . . civilians" to the official enemy list would have been "a distortion" and "terribly detrimental to the morale of my troops."

"They would say 'What the hell are we doing? We've been doing a great job, and now we find out the enemy is increased,'" he said, his eyes riveted on the jurors. "Well,

the enemy wasn't increased at all."

Then, finally answering the question about whether he agreed with Abrams' cable, Westmoreland said in his commanding voice: "I agreed with it then, I agree with it now, and if I had to do it over again, I would agree with it."

Although Westmoreland's emotional defense was clearly the most interesting moment so far in this complicated trial, the issue of whether Westmoreland tried to deceive the press in Vietnam may not be central in this case.

Burt's argument that the CBS documentary—"The Uncounted Enemy: A Vietnam Deception"—libeled the general is not based on the program's accusation that Westmoreland withheld higher troop numbers from the public,

Congress and reporters. Instead, Burt is arguing that the program defamed Westmoreland by accusing him of keeping the intelligence from his superiors, a breach of duty for a military officer.

Westmoreland said he passed along to his direct superiors information about the debate within MACV and with the Central Intelligence Agency about whether the "irregulars"—as those who defended their villages with booby traps and punji sticks were called—should be added to the official enemy troop summary.

In a discussion among the lawyers that the jury could not hear, Burt made clear that he asked Westmoreland about the Abrams' cable in order to defuse the issue before CBS lawyer David Boise begins cross-examining the general, possibly next week. Burt acknowledged that he was bringing up the issue because Boise might raise "the question of improper motive on the witness' part."

Special correspondent John Kennedy contributed to this report.